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CORPORATE HISTORY

OF THE

TUG RIVER AND KENTUCKY RAILROAD COMPANY.

AS OF JUNE 30th, 1916.

CORPORATE HISTORY

OF

TUG RIVER AND KENTUCKY RAILROAD COMPANY.

KENTUCKY

The Tug River and Kentucky Railroad Company is a corporation created under the laws of Kentucky by Articles of Incorporation dated December 13, 1913, lodged for record January 1st 1914 in the office of the Clerk of Boyd County Court of the State of Kentucky and Recorded in Articles of Association Book No. 4 page 57 etc. **Chart No. 1 Place No. 1**

The object for which the Tug River and Kentucky Railroad Company was formed, and the nature of the business, and the objects and purposes proposed to be transacted, promoted and carried on, by it were to own, acquire, construct, operate and maintain a railroad in the State of Kentucky and elsewhere, and especially:

Beginning at a point in the County of Pike, in the State of Kentucky, at or near the mouth of Poplar Creek, and,

1. Thence extending (*a*) across Tug River to Mingo County, West Virginia, and (*b*) up the valley of Poplar Creek in Pike County, Kentucky; a distance of about two miles.
2. Extending from the initial point at the mouth of Poplar Creek, down the valley of Tug River to the mouth of Peters Creek in Pike County, Kentucky; a distance of about four miles;
3. Extending from the mouth of Peters Creek (*a*) across Tug River to Mingo County, West Virginia, and (*b*) up the valley of Peters Creek in Pike County, Kentucky, a distance of about one and one-half miles; and
4. Extending from the mouth of Peters Creek down the valley of Tug River (crossing Blackberry Creek near its mouth, in Pike County, Kentucky), to a point in Pike County, Kentucky opposite the mouth of Mate Creek, Mingo County, West Virginia; a distance of about eight miles.
5. Extending from the mouth of Blackberry Creek (*a*) across Tug River to Mingo County, West Virginia, and (*b*) up the valley of Blackberry Creek, in Pike County; a distance of about one and one half miles.

Pike County is the only county in Kentucky into or through which the proposed railroad is to be constructed, and its length, as near as may be, is about seventeen miles.

18 Dy 51 9. Business Records Ltd

A copy of the Articles of Incorporation certified by the Clerk of the Boyd County (Kentucky) Court was filed in the Office of the Secretary of State of Kentucky, at Frankfort Kentucky on January 12th 1914 whereupon the Secretary of State of Kentucky certified under date of January 12th 1914 that the Tug River and Kentucky Railroad Company was authorized to transact business in that State subject to the restrictions imposed by law.

On January 12th 1914 the Secretary of the Kentucky Railroad Commission issued his certificate that the Tug River and Kentucky Railroad Company whose Articles of Incorporation were filed in the Office of the Secretary of State of Kentucky on January 12th 1914 incorporating the Company as a domestic corporation had that day filed in the Office of the Kentucky Railroad Commission a correct copy of said Articles of Incorporation the same being certified to by the Secretary of State of Kentucky.

It filed on January 28th, 1914, in the office of the Secretary of State of Kentucky

(*a*) A certificate dated January 23rd, 1914, accepting the provisions of the Constitution of Kentucky. etc., and—

(*b*) A notice or statement dated January 23rd, 1914, naming Ashland, Boyd County, Kentucky, as its principal office, and W. A. Ginn of Ashland, Boyd County, Kentucky, as the Agent upon whom process may be served, etc.

It executed its Power of Attorney also dated January 23rd, 1914, to W. A. Ginn of Ashland, Boyd County, Kentucky appointing him its Agent, upon whom service of process may be had, to which was added the acknowledgment of Mr. Ginn that he received the original Power of Attorney and that the office of the Company had been established at Ashland, Boyd County, Kentucky.

It filed on January 29th, 1914, in the office of the Clerk of the County Court of Pike County, at Pikesville, Kentucky, a map and profile of its line of railroad, &c., with statement or certificate attached, dated January 23rd, 1914, the said statement or certificate having been recorded in that office on January 29th, 1914, in "Miscellaneous Instruments" No. 6 page 7.

WEST VIRGINIA

It filed on the 20th day of April, 1914, in the office of the Secretary of State of West Virginia (and recorded them in Book 81, page 193), the following:—

(*a*) Application and Preliminary Report dated April 4, 1914, upon which was based the license tax;

(*b*) Certificate of the Company dated April 3rd, 1914, embodying the resolution of the Company of that date as to filing a copy of its Articles of Incorporation etc., and accepting the provisions of section 30, chapter 54 of the Code, and agreeing to be governed thereby &c.

(*c*) Articles of Incorporation of the Company to which is attached a certificate of the Railroad Commission of Kentucky as to filing a copy in that office, and also a certificate as to its being a true and correct copy as filed;

(*d*) Copy of the Certificate of the Secretary of State of Kentucky dated January 12, 1914, certifying that the Company is now authorized to transact business in Kentucky subject to the restrictions imposed by law;

(*e*) Copy of the Act of Congress of March 24, 1914, authorizing the Company to construct a bridge across the Tug Fork of Big Sandy River;

(*f*) Certificate of the Company under date of April 3, 1914, certifying as to the aforementioned papers being true and correct copies of the original;

upon which was issued a certificate of the Secretary of State of West Virginia dated April 20th, 1914, as to the above mentioned copies of Application, Certificates, etc., having been filed in his office on that day and that by filing those papers the Company is authorized "to hold property and transact business in the State of West Virginia, as appears from the records of said office." The original certificate of the Secretary of State of West Virginia, dated April 20th, 1914, was recorded in said office on April 20th, 1914, in Book No. 81, page 196.

It also filed in said office on April 20th, 1914, a report dated April 11th, 1914, giving the names and addresses of the President and Secretary of the Company and as to the postoffice of the principal office; and on the same day a Map and Profile of the Main Line and Branches with statement or certificate dated April 3rd, 1914, upon which the Secretary of State of West Virginia issued his certificate of April 20th, 1914, as to the said filing &c.

It filed on April 27th, 1914, in the office of the Auditor of the State of West Virginia a Power of Attorney dated April 22nd, 1914, to the Auditor of the State of West Virginia, upon whom process of service may be had.

It filed for record in the office of the Clerk of the County Court of Mingo County, West Virginia, the said certificate of the Secretary of State of West Virginia of April 20th, 1914, which was recorded therein on April 27th, 1914, in D. B. 30, page 163, and also the Certificate of the President of the Tug River and Kentucky Railroad Company, dated April 3rd, 1914, to which is attached as a part thereof:—

(*a*) Certified copy of the Articles of Incorporation, etc., certified by the Secretary of the Railroad Commission of Kentucky.

(*b*) Certificate of the Secretary of State of Kentucky, of January 12, 1914, certified as to it being a true copy etc., by the President of the Tug River and Kentucky Railroad Company.

(*c*) Act of Congress of March 4, 1914, authorizing the Tug River and Kentucky Railroad Company to build a bridge over Tug Fork of Big Sandy River.

which was recorded in Deed Book 30, page 164, etc., and on April 20th, 1914, it also filed in said office a Map and Profile of its Main Line and Branches with statement or certificate dated April 3, 1914.

UNITED STATES

BRIDGES OVER TUG FORK OF BIG SANDY RIVER.

(1) The Tug River and Kentucky Railroad Company filed its application &c., dated April 1st, 1914 (to which was attached certified copies of the Articles of Incorporation and certain resolutions, certificates &c. set out in detail in the application) to the Secretary of War, for the approval of the plans for the construction of a bridge across Tug River to connect its line of railroad with the line of the Norfolk and Western Railway Company under the provisions of the Act of Congress approved March 24th, 1914, entitled *"An Act to authorize the Tug River and Kentucky Railroad Company to construct a bridge across the Tug Fork of Big Sandy River at or near the mouth of Blackberry Creek in Pike County, Kentucky;"*

—upon which application, the Secretary of War issued under date of May 8th, 1914, his certificate of approval of the plans, &c., for the construction of the bridge over Tug Fork under the said Act of Congress approved March 24th, 1914.

(2) It acquired from Frank P. Harman (through the Freeburn Coal and Coke Company and the Norfolk and Western Railway Company) the bridge and the right to maintain and operate the same over the Tug Fork of Big Sandy River near Delorme, West Virginia, under the provisions of the Act of Congress approved April 18th, 1904, entitled:

> *"An Act to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, West Virginia, where the same forms the boundary line between the States of West Virginia and Kentucky."*

and the certificate of the Secretary of War dated October 8, 1904, approving the plans, etc., of said bridge issued upon the application of the said Frank P. Harman under the provisions of the said Act of Congress of April 16, 1904, last above mentioned.

(3) It acquired from the Majestic Collieries Company (through the Norfolk and Western Railway Company) the bridge and the right to maintain and operate the same across Tug Fork of the Big Sandy River about two and one-half miles west of Devon, West Virginia, under the provisions of the Act of Congress approved February 8, 1907, entitled

> *"An Act to authorize Majestic Collieries Company, of Eckman, West Virginia, to construct a bridge across Tug Fork of Big Sandy River about two and one- half miles west of Devon, West Virginia, a station on the Norfolk and Western Railway."*

and the certificate of the Secretary of War dated February 6th, 1908, approving the plans, etc., of said bridge issued upon the application of the Majestic Collieries Company under the provisions of said Act of Congress of February 8, 1907, last above mentioned.

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The Tug River and Kentucky Railroad Company acquired from the Norfolk and Western Railway Company by deed dated the 23rd day of June, 1915, recorded in the office of the Clerk of the County Court of Mingo County, West Virginia, on July 2, 1915 in Deed Book No. 32, page 32, and in the office of the Clerk of the County Court of Pike County, Kentucky, on July 14th, 1915 in Deed Book No. 75, page 299, all the right of way beginning on the line of the Norfolk and Western Railway in Mingo County, West Virginia, and crossing Tug Fork of Big Sandy River near the mouth of Peters Creek, thence into Pike County, Kentucky, with all the tracks and other structures upon the same together with all those strips, pieces or parcels of land, railroad, tracks, masonry and other structures in said deed of June 23rd, 1915, specifically described and all the right, title and interest and estate of the Norfolk and Western Railway Company in and to the same and in and to the bridge across the Tug Fork of the Big Sandy River; which strips or parcels of land, structures, etc., and bridge across the Tug Fork of Big Sandy River were acquired by the Norfolk and Western Railway Company by the following deeds:—

(1) Deed dated May 30th, 1908 between the Freeburn Coal and Coke Company and the Norfolk and Western Railway Company which conveyed to the Railway Company all those certain strips or parcels in Pike County, Kentucky, in said deed particularly described including all the structures on said strip of land together with its right, title and interest in and to that certain bridge across Tug Fork of the Big Sandy River, and all its right, power and authority to maintain the same under the Act of Congress approved April 18, 1904 entitled *"An Act to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme in Mingo County, West Virginia, where the same*

forms the boundary line between the States of West Virginia and Kentucky" and the certificate of the Secretary of War dated October 8th, 1904 approving the design and drawing of a map of location of said bridge to which certificate of approval is attached a blueprint giving the design, etc. of the bridge, which certificate of approval has endorsed thereon the transfer and assignment of all the rights and privileges of the said Frank P. Harman acquired under the said Act of Congress and certificate of the Secretary of War which deed of May 30, 1908 was recorded in the office of the Clerk of the County Court of Pike County, Kentucky, on June 5th, 1908 in Deed Book 50, page 218, and in the Office of the Clerk of the County Court of Mingo County, West Virginia, on June 13th, 1908, in Deed Book 22, page 267,

(2) Deed dated June 30th, 1908 from Richard Torpin, *et al,* Trustees of the Logan Coal and Timber Association to the Norfolk and Western Railway Company conveying a certain 0.31 acre tract on the bank of Tug River in Mingo County, West Virginia, for approach, etc., to the bridge across Tug River hereafter referred to, which deed was recorded in the Office of the Clerk of the County Court of Mingo County, West Virginia, on October 2, 1908, in Deed Book 22, page 470, subject, nevertheless, to those certain leasehold rights in said deed described.

(3) Deed dated November 20, 1908 from the Freeburn Coal and Coke Company to the Norfolk and Western Railway Company conveying to the Railway Company all the right, title and interest, etc., of the Freeburn Coal and Coke Company in and to the said 0.31 acre tract, which deed was recorded in the Clerk's Office of the County Court of Mingo County, West Virginia, on November 27th, 1908, in Deed Book 22, page 547.

The Tug River and Kentucky Railroad Company also acquired from the Norfolk and Western Railway Company by deed also dated June 23rd, 1915, and recorded in the said Clerk's Office of Mingo County, West Virginia, on July 2nd, 1915, in Deed Book No. 32, page 28, and the said Clerk's Office of Pike County, Kentucky, on July 14, 1915, in Deed Book No. 79, page 246, all the right of way beginning on the line of the Norfolk and Western Railway, in Mingo County, West Virginia, and crossing Tug Fork of Big Sandy River near the mouth of Poplar Creek, thence into Pike County, Kentucky, with all the tracks and other structures upon the same, and all the rights, title and interest and estate of the Norfolk and Western Railway Company in and to the same and in and to the bridge across the Tug Fork of Big Sandy River—which strips or parcels of land, structures &c., and bridge over the Tug Fork of the Big Sandy River were acquired by the Norfolk and Western Railway Company by the following deeds:

(1) Deed dated July 10, 1908 from the Majestic Collieries Company to the Norfolk and Western Railway Company conveying all those certain strips, pieces or parcels in Mingo County, West Virginia in said deed particularly described including all the right, title and interest of said Majestic Collieries Company in and to the bridge across the Tug Fork of Big Sandy River and all the right, power and authority to construct the same under the Act of Congress approved February 8, 1907 entitled *"An Act to authorize the Majestic Collieries Company of Eckman, West Virginia to construct a bridge across the Tug Fork of Big Sandy River about 2 1/2 miles west of Devon, West Virginia, a station on the Norfolk and Western Railway"* which deed was recorded in the office of the Clerk of the County Court of Mingo County, West Virginia on August 26, 1908 in Deed Book 22, page 378 and

(2) Deed dated July 10, 1908 between the Majestic Collieries Company and the Norfolk and Western Railway Company conveying to the Norfolk and Western Railway Company the strip or piece of land in Pike County, Kentucky, in said deed particularly described, together with all structures on said strip of land, and all the right, title and interest of the Majestic Collieries Company in and to the bridge across the Tug Fork of the Big Sandy River constructed by it and all its right, power and authority to construct the same under the last mentioned Act of Congress approved February 8, 1907, which deed was recorded in the office of the Clerk of the County Court of Pike County, Kentucky, on September 5th, 1908, in Deed Book 50, page 293.

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Surveys for the Tug River and Kentucky Railroad were started in 1913 and completed in 1914; and during the year 1914 it constructed a portion of its line from the junction with the Norfolk and Western Railway in Mingo County, West Virginia, at Norfolk mile post 459.75, the initial point of the Tug River and Kentucky Railroad; thence across Tug Fork of Big Sandy River into Pike County, Kentucky.

The Tug River and Kentucky Railroad Company acquired a portion of its line from the Norfolk and Western Railway Company beginning in Mingo County, West Virginia, at its Norfolk mile post 453.29, and extending in West Virginia 0.07 miles to the West Virginia-Kentucky State Line, crossing Tug Fork of Big Sandy River near the Mouth of Peters Creek; thence into Pike County, Kentucky, a distance of 1.48 miles from the State Line, a total length of line purchased being 1.55 miles. This portion of the line acquired from the Norfolk and Western Railway Company was constructed by the Freeburn

Coal Company in 1905. It was not acquired by the Norfolk and Western Railway Company until 1908. It is now known as the Freeburn Branch of the Tug River and Kentucky Railroad Company.

The Tug River & Kentucky Railroad Company also acquired a portion of its line from the Norfolk & Western Railway Company, beginning in Mingo County, West Virginia, near its Norfolk Mile Post 450, and extending in West Virginia 0.09 miles to the West Virginia-Kentucky State Line, crossing the Tug Fork of the Big Sandy River at the Mouth of Poplar Creek; thence up Poplar Creek, Pike County, Kentucky, to a point 1.84 miles from the West Virginia-Kentucky State Line, making the total length of line acquired, 1.93 miles.

This portion of the line was constructed by the Majestic Collieries Company during 1908. It was acquired by the Norfolk and Western Railway Company in 1908. It is now known as the Poplar Creek Branch of the Tug River and Kentucky Railroad Company.

The mileage operated by the Tug River and Kentucky Railroad Company June 30, 1916, was as follows:—

State.	Main Line.	Branches			Sidings.
		Poplar Cr.	Freeburn.	Total.	
West Virginia	0.24	0.09	0.07	0.16	0.00
Kentucky	1.13	1.84	1.48	3.32	4.48
Totals	1.37	1.93	1.55	3.48	4.48

The grading and masonry of the main line of the Tug River and Kentucky Railroad was constructed under contract of W. W. Boxley & Co. dated August 7, 1914, and the bridge superstructure by the Virginia Bridge and Iron Co. under contract of same date.

CORPORATE HISTORY CHART OF TUG RIVER AND KENTUCKY RAILROAD COMPANY AS OF JUNE 30th, 1916.

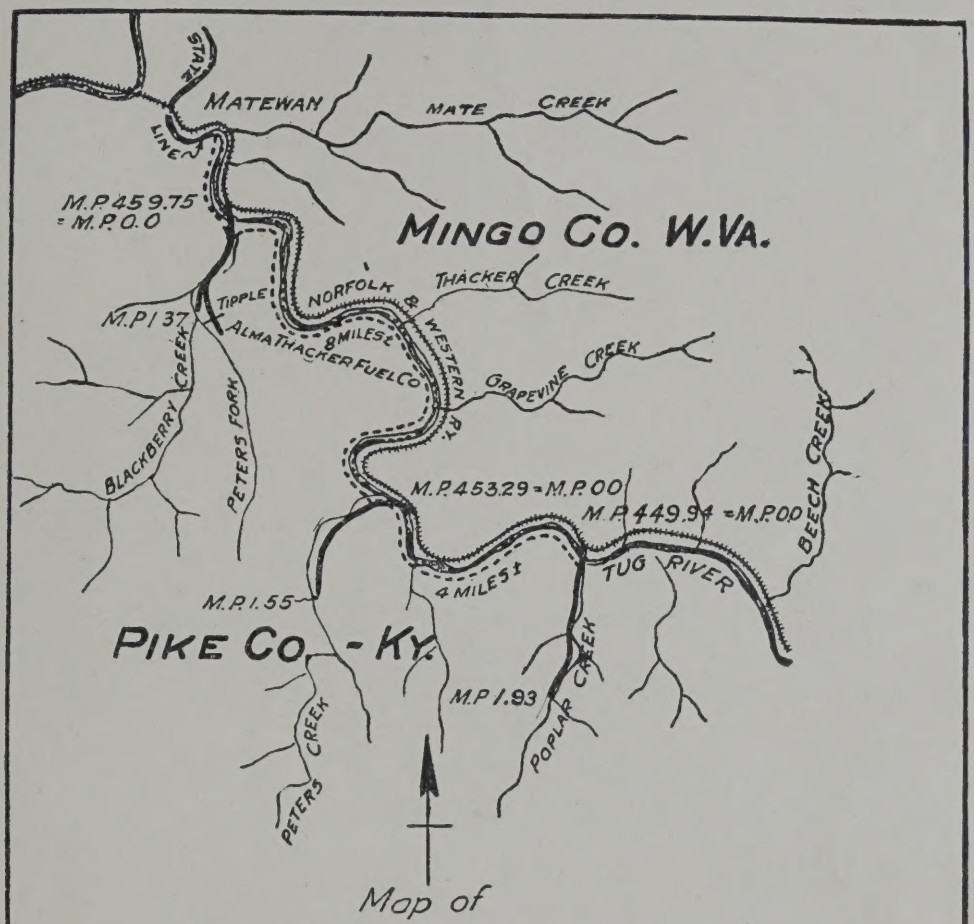
No. 1

TUG RIVER AND KENTUCKY RAILROAD COMPANY.

Incorporated—Kentucky—under Articles dated December 13, 1913.

1

NOTE:—No. 1 in the upper left hand corner of chart is the "Chart Number" and No. 1 in the lower right hand corner is the "Place Number."



Map of

TUG RIVER & KENTUCKY RAILROAD CO.

Pike County Kentucky

Scale 1 inch = 2 Miles

Dotted Lines Indicate Projected Extensions

State	Main Line	Branches			Sidings
		Poplar Creek	Freeburn	Total	
WEST VIRGINIA	0.24	0.09	0.07	0.16	0.00
KENTUCKY	1.13	1.84	1.48	3.32	4.48
TOTALS	1.37	1.93	1.55	3.48	4.48

June 30, 1916.

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